

ORDINANCE NO. 20160804-024

AN ORDINANCE VACATING A PORTION OF RAIL RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF PEDERNALES STREET AND EAST 5TH STREET TO PERSHINGEAST, LLC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Council approves the vacation and conveyance of an approximately 0.094 acre portion of rail right-of-way at the southwest corner of Pedernales Street and East 5th Street, described in Exhibit A, which is attached to and incorporated as part of this ordinance, to PershingEast, LLC (the "Vacation") for future development purposes.

PART 2. PershingEast, LLC has posted funds with the City in the amount of \$126,604, which is the appraised fair market value of the interests in the land being vacated, and these funds will be deposited after approval of this ordinance.

PART 3. This ordinance takes effect on August 15, 2016.

PASSED AND APPROVED

_____, August 4, 2016

APPROVED:



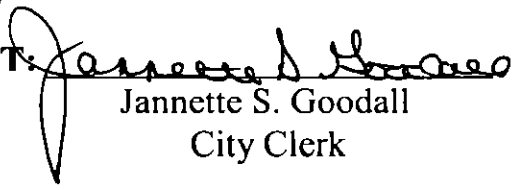
Anne L. Morgan
City Attorney

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Steve Adler
Mayor

ATTEST:



Jannette S. Goodall
City Clerk

FIELD NOTES

BEING ALL OF THAT CERTAIN 0.094 ACRE TRACT OUT OF OUTLOT 10, DIVISION "O", DESCRIBED IN A DEED TO THE CITY OF AUSTIN IN VOLUME 2056, PAGE 9, DEED RECORDS, TRAVIS COUNTY, TEXAS, FURTHER BEING RESOLVED AS A CITY OF AUSTIN RAILROAD RIGHT OF WAY BY THE CITY COUNCIL OF THE CITY OF AUSTIN IN RESOLUTION 590430.01 IN THE COUNCIL APPROVED RECORDS OF THE CITY CLERK TO BE VACATED CONTAINING 0.094 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found in the south line of E. Fifth Street at the NW corner of a 0.094 acre tract out of Outlot 10, Division "O" in the City of Austin, Travis County, Texas, conveyed to the City of Austin for Right of Way in Volume 2056, Page 9, Deed Records, also being at an angle point in the north line of a 0.842 acre tract conveyed to Pershing East, LLC., by deed recorded in Document No. 2013174870, Official Public Records, from which point a 1/2" iron pipe found at the NW corner of said 0.842 acre tract bears N67°14'00"W at a distance of 80.34 feet;

THENCE S67°14'00"E along the south line of E. Fifth Street for a distance of 61.86 feet to a 1/2" iron rod with cap labeled "Waterloo RPLS 4324", for the NE corner hereof, being the point of curvature of a curve, curving to the right with a radius of 271.45 feet, also being the most northerly corner of a 0.0479 acre remainder tract as described in Document No. 2015082774, Official Public Records, from which point, a 1/2" iron rod found at an angle point of said 0.0479 acre tract bears S67°14'00"E at a distance of 71.01 feet;

THENCE 147.26 feet along the arc of said curving SW line of said 0.0479 acre tract with a chord bearing S24°35'14"E for a distance of 145.47 feet to a 1/2" iron rod with cap labeled "Waterloo RPLS 4324" in the west line of Pedernales Street, for the SE corner of the herein described tract and the southerly corner of said 0.0479 acre;

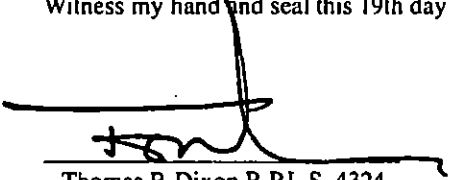
THENCE S23°12'37"W along said west line of Pedernales Street for a distance of 47.28 feet to a 1/2" iron rod found at SW corner of the herein described tract, at a point of curvature of a curve, curving to the left with a radius of 249.45 feet, also being at an angle point in the east line of said 0.842 acre tract, from which point a 1/2" iron rod found at the intersection of the north line of Santa Rosa Street and the west line of Pedernales Street bears S25°39'17"W at a distance of 34.35 feet;

THENCE 231.00 feet along the arc of said curve with a chord bearing N26°21'27"W for a distance of 222.83 feet to the **POINT OF BEGINNING** of this 0.094 acre easement to be vacated.

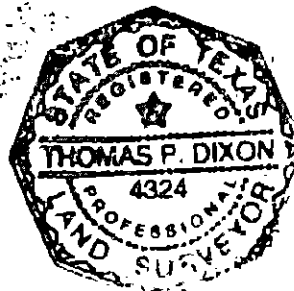
BEARING BASE: BOOK 4, PAGE 194, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

I, Thomas P. Dixon, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds description and the sketch were based on an on-the-ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Witness my hand and seal this 19th day of February, 2016.


Thomas P. Dixon R.P.L.S. 4324
Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Tx 78716
(512) 481-9602

2/19/15
Date



FIELD NOTES REVIEWED

By John D. Rife Date 02-24-2016

Engineering Support Section
Department of Public Works
and Transportation

REFERENCES

TCAD Parcel No. 189550
AUSTIN GRID 615 MK-21

F#9602-1510
OWNER:
CITY OF AUSTIN

Sketch to Accompany Field Notes

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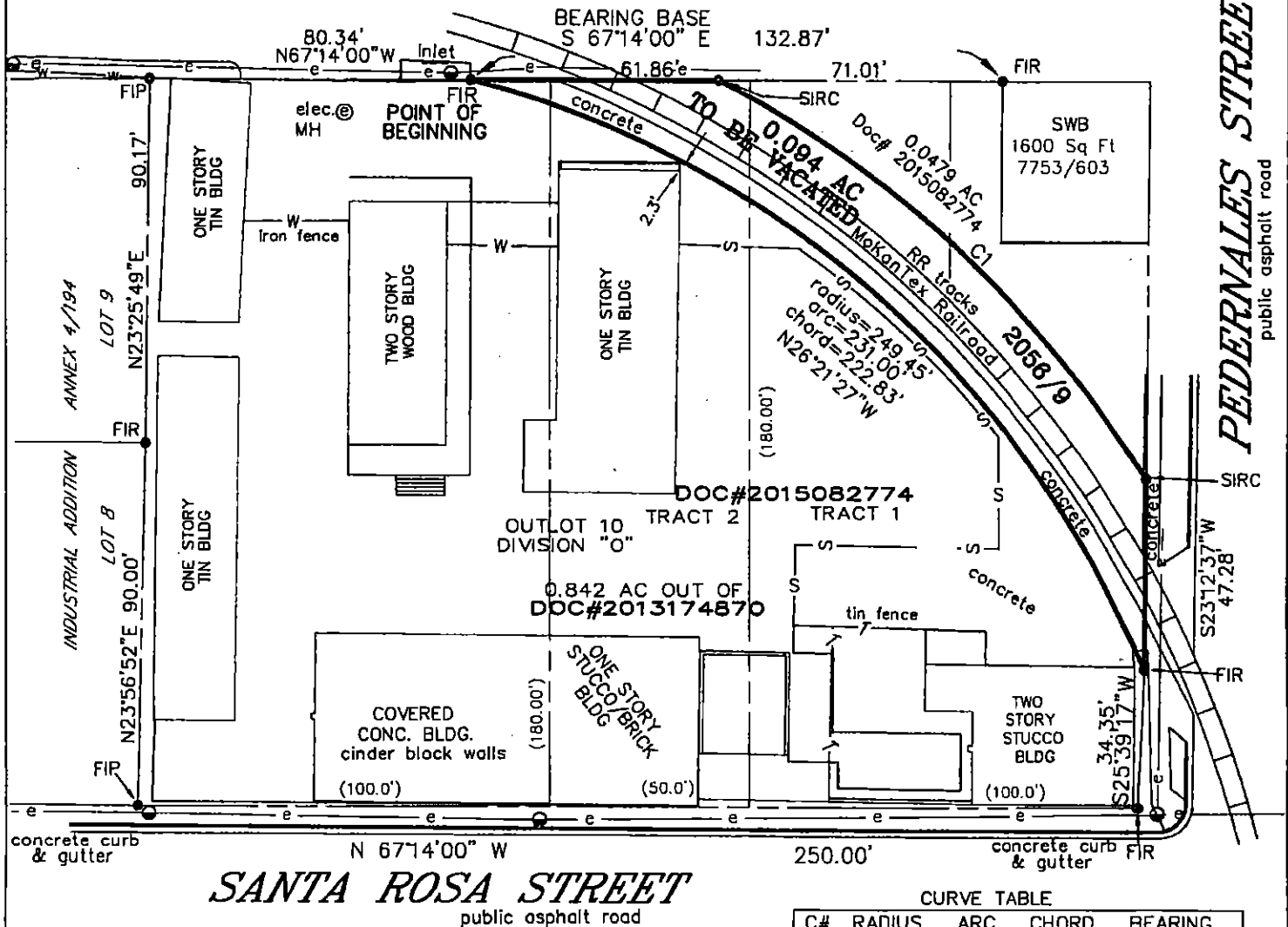
EXHIBIT "B"
R.O.W. VACATION

LEGAL DESCRIPTION:

BEING ALL OF THAT CERTAIN 0.094 ACRE TRACT OUT OF OUTLOT 10, DIVISION "O" IN THE CITY OF AUSTIN, DESCRIBED IN A DEED TO THE CITY OF AUSTIN IN VOLUME 2056, PAGE 9, DEED RECORDS, TRAVIS COUNTY, TEXAS AND FURTHER BEING A CITY OF AUSTIN RAILROAD RIGHT OR WAY.

EAST FIFTH STREET

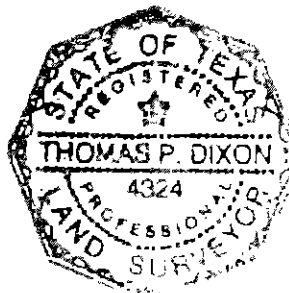
public asphalt road



I, Thomas P. Dixon, licensed to practice Land Surveying in the State of Texas, hereby certify that the foregoing metes and bounds legal description and sketch were based on an on the ground survey, that all protrusions and encroachments into the easement area are accounted for including but not limited to, building footprint, eaves and roof overhangs and all visible improvements whatsoever.

Thomas P. Dixon R.P.L.S. 4324

Waterloo Surveyors, Inc.
P.O. Box 160176
Austin, Texas 78716-0176
Ph. (512) 481-9602
J10947ROW



LEGEND
FOUND IRON PIPE FIR
FOUND 1/2" IRON ROD FIR
SET 1/2" IRON ROD W/CAP FIR
WATER METER
UTILITY POLE & ELECTRIC LINE

SCALE
1"=40'